

## REMARKS

Reconsideration and allowance of the subject application are respectfully solicited.

Claims 1, 4, 5, 7, 8, and 11 through 14 are pending, with Claims 1 and 11 being independent.

Claims 1, 4, 5, 7, 8, and 11 through 14 were rejected under 35 U.S.C. § 103 over U.S. Patent No. 6,163,316 (Killian) in view of U.S. Patent No. 6,208,335 B1 (Gordon, et al.) and newly-cited U.S. Patent No. 6,898,762 B2 (Ellis, et al.). All rejections are respectfully traversed.

Claim 1 recites, *inter alia*, displaying a selecting menu through which a user can select as to whether the GUI data (included in a broadcasting wave, and being screen data to be displayed) is installed or not.

Claim 11 recites, *inter alia*, a selecting menu is displayed so that a user can select through the menu as to whether the GUI data (included in a broadcasting wave, and being screen data to be displayed) is installed or not.

However, Applicants respectfully submit that none of Killian, Gordon, et al., and Ellis, et al., even in the proposed combinations, assuming, *arguendo*, that the documents could be combined, discloses or suggests at least the above-discussed claimed features as recited, *inter alia*, in Claims 1 and 11.

Applicants respectfully submit that Killian shows, e.g., that java-based EPG 70 (which may be downloaded over link 14, which can be a satellite link) obtains schedule information (not GUI data) from a network, but Killian is silent as to deriving GUI data from a broadcast wave with selecting as claimed.

Applicants respectfully submit that Gordon, et al. shows, e.g., an applet including graphics and an instruction, but Gordon, et al. is silent as to deriving GUI data from a broadcasting wave. Also, the navigation control instruction 506 (relied upon in the Official Action) bears no relationship at all to the claimed selecting menu, in Applicants' view — the navigation control instruction 506 is merely a command included in the applet 500 (e.g., Fig.5), which is distinguishable from the claimed feature that "said installing means displays a selecting menu through which a user can select as to whether the GUI data received by said receiving means is installed or not".

Applicants respectfully submit that Ellis, et al. shows, e.g., storing in a server a preference profile of a user to attain distribution of an advertisement fitting the user, with providing the user with an opportunity to define the preference profile (see, e.g., Fig. 21, as relied upon in the Official Action). However, Applicants respectfully submit that the Fig. 21 preference profile has nothing at all to do with the selecting menu for whether the GUI data is installed or not, as claimed — Ellis, et al.'s preference profile is merely used to select, on the server side, information and program to be distributed from the server to a user's terminal, and has nothing to do with the claimed selecting menu.

Accordingly, Applicants respectfully submit that even if Killian, Gordon, et al., and Ellis, et al. could be combined, *arguendo*, the combination would merely show structure for registering the user's preference profile in the server and a method of downloading, by using the registered profile, the applet including advertisement information, recommended program information, the menu instruction and graphics — such bears no relation to the claimed selecting menu.

Applicants further respectfully submit that there has been no showing of any indication of motivation in the cited documents that would lead one having ordinary skill in the art to arrive at the above-discussed claimed features. By means of such features, Applicants respectfully submit that it is possible, e.g., to derive the GUI data from the broadcasting wave automatically and the user can select, by means of the selecting menu, whether or not the GUI data received by the receiving means is to be installed or not, whereby the GUI data which is favorable for the user can be selectively installed. In other words, the present invention can passively receive the GUI data from the broadcasting wave (the broadcasting wave differs from communication in that broadcasting information is unidirectionally received so that a receiver cannot request to receive such a broadcasting wave before reception thereof); since the present invention can passively receive the GUI data, the received GUI data does not always fit the user; in addition, even if the GUI data is obtained in accordance with the user's profile, it is the user who can simply decide whether the obtained GUI data really fits the user; further, even if the obtained GUI data fits the user, the user does not always wish to install it at that time.

The dependent claims are also submitted to be patentable because they set forth additional aspects of the present invention and are dependent from independent claims discussed above. Therefore, separate and individual consideration of each dependent claim is respectfully requested.

Applicants submit that this application is in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

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